



## **Probe Westar**

Editorial

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Senate rules permit outside groups to file complaints with the Ethics Committee, but House rules do not. Hence, there's a chance of a Senate ethics probe of allegations that Sen. Richard Shelby (R-Ala.) assisted Westar Energy Co. in return for campaign contributions. But a companion House investigation won't take place — unless Democrats develop the gumption to file complaints against a high-powered group of Republicans including House Majority Leader Tom DeLay (Texas) and Energy and Commerce Chairman Billy Tauzin (La.).

According to The Kansas City Star and The Washington Post, e-mails among Westar executives released in connection with a federal probe of the company indicate that Members received campaign contributions totaling \$56,500 and that the company and its executives paid “to get a seat at the table” in a House- Senate conference considering energy legislation. A provision favorable to Westar was inserted by one of the Members, Rep. Joe Barton (R-Texas), who later removed it when the company came under federal scrutiny.

The e-mails did not refer to a request for funds by DeLay, but his Texans for a Republican Majority PAC received \$25,000 from Westar and he voted for the Barton amendment. One e-mail said that Tauzin and Barton “are key House conferees on our legislation” and “they have made this request” for contributions to other GOP candidates. Shelby, an executive wrote, is “our anchor on the Senate side. He made a substantial request of us” to support a former aide running for the House in Alabama.

Spokesmen for the four lawmakers denied all wrongdoing and, according to the Post, specifically rejected the implication that the campaign contributions were a quid pro quo for legislative action sought by Westar. Naturally, it's impossible for us to know whether any breach of the law or ethics rules took place, but the evidence strikes us as worthy of preliminary inquiries by the ethics committees.

A group called Citizens for Responsibility and Ethics in Washington, which has filed state bar association complaints against the lawmakers who are lawyers, has told Roll Call that it intends to file against Shelby with the Senate Ethics Committee. It can't do so against the House Members.

Under House rules adopted in 1997, outsiders are forbidden to lodge ethics complaints against House Members. Only other Members can. But they rarely do under the terms of a supposed bipartisan “truce” that effectively shields anyone but a convicted criminal from House ethics action. We're not suggesting that the House return to the bad old days when Republicans, Democrats and outside groups used the ethics process as a weapon of political warfare. We are suggesting that the House Committee on Standards of Official Conduct itself, if not Democratic leaders, initiate an investigation of the Westar affair. It would be reassuring if it would publicly disclose the fact, too.